

TOWN BOARD MEETING  
May 19, 2005 - 7:00 PM

The meeting was called to order by Supervisor Hundt at 7:05 p.m.

Salute to the Flag was conducted.

Emergency Exits were pointed out by the Supervisor.

Roll Call:

Councilman Devine	Present
Councilman Russell	Present
Councilwoman Doyle	Present
Councilman Carroll	Present
Supervisor Hundt	Present

EMERGENCY MEDICAL SERVICE VOLUNTEER AWARDS

Councilwoman Doyle praised the EMT workers who volunteer their time at no cost to the town. Other towns are facing a very serious financial situation if they are forced to pay for this service. Mary Maillot described the volunteers as "home town people helping home town people". Councilwoman Doyle mentioned the need for more EMT workers and noted that the training required 5 ½ months, but is reimbursable. Supervisor Hundt read the plaque for the Amenia Rescue squad which listed the names of all members. The plaque was accepted by Phil Thompson who invited anyone who likes long hours and no pay to join the squad. The Wassaic squad was then honored as Supervisor Hundt read their plaque. Mary Ann LaMay accepted the plaque for the Wassaic squad and reiterated the need for EMT volunteers since there are only 2 EMTs left on the Wassaic squad.

PAWLING HIGH SCHOOL STUDENTS

Supervisor Hundt welcomed government students from Pawling High School.

OUTDOOR STORAGE AND JUNK VEHICLES LAW: PUBLIC HEARING

Councilman Devine moved that a Public Hearing be opened:

OPEN PUBLIC HEARING ON LOCAL LAW # 2 OF 2005

MOTION:	C/Devine		
SECOND:	C/Carroll		
ROLL CALL:	C/Carroll	- AYE	C/Devine - AYE
	C/Doyle	- AYE	C/Russell - AYE
	S/Hundt	- AYE	

MOTION CARRIED 5 to 0.

Supervisor Hundt summarized the proposed law and then asked for public comment:

1. Sharon Kroeger pointed out that the proposed law could put an undue restriction on farmers who often store old farm equipment out-of-doors. Michael Hayes noted that "market value" (in regard to vehicles) does not apply to farms.
2. Pat Nelligan commented that the law being discussed tonight was not available for the required 30 days for review by the public. He also wondered why a new law was written if the two former laws were both under the same enforcement officer. Michael Hayes responded that there

were contradictions between the two laws which made them very difficult to enforce.

Pat Nelligan questioned the high penalties for unregistered vehicles, five times as high as the penalty for building a building without a permit. In response to another question, Michael Hayes explained that a person could go to court and the judge would be the arbiter, if there was a difference of opinion on what is "junk".

3. Nancy Brusie, zoning administrator, explained that she always calls people in advance before she visits a property. Michael Hayes added that the zoning officer has the right of entry without prior consent.
4. Glenn Caldarelli pointed out that the proposed law toughened enforcement and penalties but did not improve the appeal process for property owners. He suggested a committee of peers to review decisions of the zoning officer. Homeowners need more avenues to arbitrate or appeal. Michael Hayes responded that the Town could not legally create such a committee and delegate functions to it. Nor could the Zoning Board of Appeals be used for this purpose.
5. Candy Miles asked if there was a provision for one unregistered vehicle per household, as there is in other towns. Michael Hayes said there was such a provision in the proposed law as long as a permit was purchased, which is good for six months. Supervisor Hundt suggested that the permit be good for one year, and Michael Hayes agreed.

Since the Public Hearing had raised several significant issues, it was decided to adjourn this Public Hearing and have another one on June 2:

ADJOURN PUBLIC HEARING TO JUNE 2 AT 6:00

MOTION: S/Hundt

SECOND: C/Doyle

ROLL CALL: C/Carroll - AYE                      C/Devine - AYE  
                  C/Doyle - AYE                      C/Russell - AYE  
                  S/Hundt - AYE

MOTION CARRIED 5 to 0.

The Town Clerk was asked to advertise for the Public Hearing.

MOTION TO GO INTO EXECUTIVE SESSION

The board voted to go into executive session:

MOTION: S/Hundt

SECOND: C/Doyle

ROLL CALL: C/Carroll - AYE                      C/Devine - AYE  
                  C/Doyle - AYE                      C/Russell - AYE  
                  S/Hundt - AYE

MOTION CARRIED 5 to 0.

MOTION TO RETURN TO REGULAR SESSION

At 8:30 the board returned to regular meeting:

MOTION: S/Hundt

SECOND: C/Devine  
ROLL CALL: C/Carroll - AYE C/Devine - AYE  
C/Doyle - AYE C/Russell - AYE  
S/Hundt - AYE  
MOTION CARRIED 5 to 0.

#### MAXON MILLS

Supervisor Hundt reported that the Town Board had authorized the building inspector to issue a building permit to get the work started.

#### GRANT WRITER

Supervisor Hundt noted that two interviews had been held and that interviews would continue on June 2.

#### AMENIA ISLAND CEMETERY

At last week's workshop meeting Bob Cook had requested that the Town of Amenia take over the cemetery. Michael Hayes recalled that this issue came up last year and his advice is the same as it was then: the Town has the authority to take over the cemetery when it is "abandoned". However, as long as the corporation (board of directors) exists, the cemetery does not fit the definition of "abandoned" and the Town cannot take it over.

#### WASSAIC SIDEWALK BIDS

Highway Superintendent Stanley Whitehead reported that 2 bids had been received, one for \$56,000 and one for \$54,910. The grant was for \$90,000 which included street lights, leaving only \$52,000 available for the sidewalks. Mr. Whitehead said that the Highway Department could do the job for less than \$60,000 if he hired two part-time workers. This plan was acceptable to the grantor and to Dutchess County Personnel, providing the workers were hired for less than three months.

Michael Hayes gave his opinion that the Town can use their own employees for the labor. Since we always buy our materials under an annual bid, there would be no problem there either. Councilman Carroll noted that we would have about \$30,000 for the lights which may not be possible for other reasons. Can we add something else to the grant (to replace the lighting portion)? No, we cannot add something else to this grant according to Michael Hayes. Darlene Reimer commented that the Fountain Square lights cost \$1,000 each.

Supervisor Hundt moved to reject the two sidewalk bids:

#### REJECT TWO BIDS FOR WASSAIC SIDEWALK PROJECT

MOTION: S/Hundt  
SECOND: C/Carroll  
ROLL CALL: C/Carroll - AYE C/Devine - AYE  
C/Doyle - AYE C/Russell - AYE  
S/Hundt - AYE  
MOTION CARRIED 5 to 0.

#### AUTHORIZE HIGHWAY DEPARTMENT TO HIRE HELP TO DO WASSAIC SIDEWALKS

MOTION: S/Hundt  
SECOND: C/Russell  
ROLL CALL: C/Carroll - AYE C/Devine - AYE  
C/Doyle - AYE C/Russell - AYE  
S/Hundt - AYE

MOTION CARRIED 5 to 0.

Supervisor Hundt said that once the project start date is known, a meeting will be held with Wassaic residents to get their input.

#### RE-VAL CONTRACT

Supervisor Hundt said that she had not heard from John Walsh (of MJW). Assessor Ron Gazzoli clarified that he would be the administrator on this project. The state and the county would also provide monitoring. The state has promised to give Amenia a five dollar rebate per parcel. Michael Hayes explained that if the state does not give us the rebate because of a failure on MJW's part, then MJW is liable. Ron Gazzoli advised that we should keep doing the annual updates even after five years (rebate period) is past.

The assessor also suggested that the timetable allow property owners maximum time to grieve their new assessment. This can be accomplished if the new assessments are posted after July 1, 2006. That gives property owners a full year to grieve. The assessor also pointed out that you do not have to wait for the grievance day in May; things can be straightened out at any time by coming in to the assessor's office. Supervisor Hundt observed that with this proposed timetable residents won't see any change until 2007. Once the contract with MJW is signed they are set to begin work. The data collection part is easy, according to the assessor.

Councilwoman Doyle asked about the school district problem. Dover and Webutuck school districts have different assessments with Dover at 30% and Webutuck at 100%. This has created a problem for other towns. Although Ron Gazzoli thought that Dover would follow suit (change to a 100% assessment), Councilwoman Doyle said that they do not plan to re-assess due to other priorities. Councilwoman Doyle asked if Harry Grittlestone had looked at the contract and the assessor said that Harry had the contract.

Councilman Devine said that he was satisfied with the contract and would like to move forward. Supervisor Hundt agreed and said that the identified problems had been addressed in the latest contract from MJW.

#### AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH MJW

MOTION: C/Devine

SECOND: C/Carroll

ROLL CALL: C/Carroll - AYE C/Devine - AYE

C/Doyle - AYE C/Russell - AYE

S/Hundt - AYE

MOTION CARRIED 5 to 0.

#### ESCROW CONTRACT

Supervisor Hundt reported that due to past confusion with the administration of escrow accounts, she had requested that Michael Hayes prepare a new escrow contract. The intent is to clarify the administration charges to the owners of the escrow account. Michael Hayes distributed a draft of the new contract and pointed out that the language is the same as the old contract with the addition of one new paragraph to specify the monthly administrative fee. What happens to this fee? Does it go into the town general fund or does it go to the bookkeeper? Although this question needs to be resolved, it does not affect the contract.

Supervisor Hundt suggested that only active escrow accounts pay a monthly charge. Councilman Devine suggested a sliding scale perhaps based on a percentage. Michael Hayes commented that different types of escrow accounts could carry a different fee; for example, a rezoning could have one fee, a small subdivision could have a different fee than a major subdivision and so on. The fees could be based on the amount of activity anticipated in the escrow account. He will incorporate these concepts, leaving the dollar amounts blank, and we'll discuss it next month.

#### COURTROOM COMPUTER SET-UP

Supervisor Hundt reported that a grant for \$4,000 was received from the Office of Court Administration to cover the cost of the software installed in the courtroom (the computer and printer were free). Since the actual check arrived in late December 2004, too late to be included in the 2005 budget, there was some confusion. Jim Devine and Michael Hayes agreed that if the money went into a line item, it should come out of the same line item. Charlotte Murphy thought that the money would be part of the fund balance, if it was deposited in 2004. Supervisor Hundt moved that anything over and above the \$4,000 come out of the contingency fund.

#### AUTHORIZE PAYMENT FOR COURTROOM SOFTWARE FROM CONTINGENCY FOR AMOUNT OVER \$4,000

MOTION: S/Hundt

SECOND: C/Doyle

ROLL CALL: C/Carroll - AYE                      C/Devine - AYE  
                  C/Doyle - AYE                      C/Russell - AYE  
                  S/Hundt - AYE

MOTION CARRIED 5 to 0.

#### RESTRICTION OF CELL TOWER MONEY

Councilman Russell read a resolution addressing the restriction of the cell tower money. The resolution stated that 85% of cell tower money (including money already in the account) be restricted to the recreation capital improvement fund; 15% to be used for recreational activities on an as-needed basis. There is currently \$1,040.28 of Cellular One money in the Parks and Recreation account. When asked for his opinion, Peter Clair deferred to the Recreation Commission who will discuss it at their next meeting in early June.

#### CLOTHING DROP BOX AT TRANSFER STATION

Supervisor Hundt stated that the volunteer firemen had requested a clothing drop box at the transfer station.

#### CLOTHING DROP BOX AT TRANSFER STATION

MOTION: C/Doyle

SECOND: C/Russell

ROLL CALL: C/Carroll - AYE                      C/Devine - AYE  
                  C/Doyle - AYE                      C/Russell - AYE  
                  S/Hundt - AYE

MOTION CARRIED 5 to 0.

#### TOWN HALL USE BY POLITICAL GROUPS

Supervisor Hundt said that she had received a request to use Town Hall for a meeting of a political group. Michael Hayes said that he did not know the

legality of this. Councilman Devine suggested creating an application form that would be administered by Lana and require a minimum 3-day lead time.

#### FOUNTAIN SQUARE MAINTAINANCE

Herb Eschbach and Darlene Reimer reported that the pump in Fountain Square has "seized up" even though it has been replaced several times in past years. An electrician is needed to do the repairs. Councilman Devine encouraged them to do the repairs properly and put all the wiring in a conduit, since power is also needed for audio speakers during public gatherings in the square. Tom LeJeune was thanked for making repairs and replacing the electrical outlet in the pump pit.

Darlene Reimer suggested that a decent cover be purchased for the fountain, perhaps made of wood. The soil in the triangular flower beds has been replaced. Additional improvements recommended by an arborist include:

- Vertical mulching (into hole, 18-inches deep).
- Till surface of sod and re-mulch.
- Vines on back of memorial wall are doing well but need to be attached.
- Hedge between parking lot and Main St. is overgrown and needs pruning.

Michael Hayes advised them to get a couple quotes for the new pump; a bid is not needed since the cost is only \$250 - \$300. Councilman Devine indicated that since this is a replacement of town property, no resolution is needed and the money should come out of the general fund.

#### CHARGE FOR TAPE DUPLICATION

Supervisor Hundt mentioned that the Town Clerk requested authorization to charge a fee to copy tapes needed to respond to FOILs (Freedom Of Information Legislation). As a way to avoid naming a specific fee in the motion, Michael Hayes suggested charging a fee that corresponds to the vendor charges. Both audio and video tapes would be covered.

#### AUTHORIZE TOWN CLERK TO CHARGE A FEE FOR TAPE DUPLICATION

MOTION: S/Hundt

SECOND: C/Russell

ROLL CALL: C/Carroll - AYE                      C/Devine - AYE

                  C/Doyle - AYE                      C/Russell - AYE

                  S/Hundt - AYE

MOTION CARRIED 5 to 0.

#### TOWN BOARD MINUTES APPROVAL

There were no changes to the minutes submitted by the Town Clerk.

#### APPROVAL OF MINUTES OF APRIL 21 AND MAY 3, 2005

MOTION: S/Hundt

SECOND: C/Carroll

ROLL CALL: C/Carroll - AYE                      C/Devine - AYE

                  C/Doyle - AYE                      C/Russell - AYE

                  S/Hundt - AYE

MOTION CARRIED 5 to 0.

#### ANNOUNCEMENTS

1. Orpha Thomas announced the senior citizens' Roast Beef dinner this Saturday at 4:30 at the VFW.
2. Supervisor Hundt announced the annual Memorial Day service on Monday May 30 at 11:00 at Fountain Square. Pat Manning and Senator Liebell have been invited.

#### TOWN CLERK STATUS REPORT

Town Clerk Gail Hermosilla gave a monthly status report for April (attached).

#### AFFORDABLE HOUSING COMMITTEE

Betty Rooney reminded everyone that the committee meets the second Monday of the month. Each committee member has been researching various topics related to Affordable Housing, such as what housing and funding is currently available. Kevin O'Neill from Housing Resources of Columbia County, Inc. spoke to the group at their May 9 meeting. On May 23 Deborah DeLong of Dutchess County Workforce Housing Coalition will speak at Town Hall and all are invited to attend.

#### CONSERVATION ADVISORY COMMISSION (CAC)

Elizabeth Whaley read a report on the recent activities of the CAC:

- Darlene Reimer spoke to the group about constructed wetlands.
- CAC and Recreation Commission are planning a walk/hike.
- Friends of the Great Swamp (FROGS) are planning a canoe trip on the east branch of the Croton River Great Swamp. Contact Evelyn Sharito at 877-6498.

#### WASTEWATER COMMITTEE

Darlene Reimer reported that the town must be aggressive in searching for property for a wastewater treatment facility. Progress has not been made in the negotiations between Silo Ridge and the town attorney, so additional sites must be sought. We must have a "Plan B" and we do not. Because of this urgency, the committee will begin meeting on a weekly basis, Mondays at 5:00.

#### COMPREHENSIVE PLAN REVIEW COMMITTEE (CPIC)

Darlene Reimer reported that the draft study had been completed and was going back to the consultant Joel Russell who will return it in about a month. It should be presented to the Town Board by July.

#### SUPERVISOR'S REPORT

1. The Annual Financial Report has been filed and distributed to the board. Anyone can see it.
2. Harlem Valley Railtrail opened officially last week.
3. Verizon is up and running on our cell tower.
4. Alan Shope has offered to give the Town some 40 acres (on State School property) and he wants to know if we are interested. The property could be used for recreation, ballfields, town garage, etc. A letter of interest is needed from the Town Board.

Many concerns were raised about this offer: What is the asbestos situation in the buildings? What would it cost to rehabilitate the buildings? There is no water, sewer, or electricity on that parcel and the buildings are not in good shape.

#### TECHNOLOGY GRANT

The Town just received \$4,500 from Pat Manning for technology upgrades. This is a member item and not a matching grant.

#### AUTHORIZE SUPERVISOR TO SIGN CONTRACT FOR TECHNOLOGY GRANT

MOTION: C/Doyle

SECOND: C/Carroll

ROLL CALL: C/Carroll - AYE                      C/Devine - AYE  
                  C/Doyle - AYE                      C/Russell - AYE  
                  S/Hundt - AYE

MOTION CARRIED 5 to 0.

#### PUBLIC COMMENT

1. Lou Cesa commented on the use of town hall by political parties. In regard to Public Comment period, he mentioned that the town of Dover allows public comments on agenda items only, at the beginning of the meeting. There is a two-minute limit and other rules are posted on their website.
2. Jeanne Rebillard voiced her opinion that Webutuck School District and Amenia Sand & Gravel should not be included in the Amenia Rec Plan. In terms of the escrow account, she would rather see the money go to the Town than to the bookkeeper.
3. Wayne Euvrard supported the Public Comment period at the beginning of the meeting. The fence at Tractor Supply is still not down. In response to this, Michael Hayes assured him that the zoning administrator had given them a drop dead date for the fence removal. On another topic, Wayne questioned how the Town Justice could be given a double salary. Michael Hayes responded that Justice Moore was doing the work of two town justices and that money was available (from funds allocated for the second town justice).

Wayne Euvrard then noted several questions he had about town expenditures. He was assured by the Supervisor that both she and the deputy supervisor review all vouchers.

4. Betty Rooney cautioned that the rail trail crossing at Sharon Station Road is very dangerous and needs something done. On another topic, the noise of crushing autos continues on the Miles property on Midway Avenue. Michael Hayes responded that litigation was pending. Betty Rooney related that there was never a salvage yard on Lango Road and, therefore, the current operation should not fall under a "grandfather" clause.
5. Mike Segelken asked the Town Board if they would waive the building permit fee for the new dugout at Beekman Park that the Rec Commission is requesting. Supervisor Hundt said that the fee could be waived.
6. Mernie Hoatzl alerted the Town Board that dogs are running wild on O'Handley Drive and they are not owned by anyone on the street. She has talked to the dog catcher but the situation continues.



7. Michael Collins remarked that the grass on the town side of the fence by the former tennis courts on Main Street is 18 inches high with many leaves as well.

ADJOURNMENT

The motion to adjourn was voted for unanimously.

Meeting was adjourned at 10:55 p.m.

Respectfully submitted,

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Gail Hermosilla,  
Amenia Town Clerk

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Gail's home PC: E:\Town Clerk\minutes\2005-05-19.doc, 4/27/06

Town Clerk Monthly Status Report for April 2005  
May 19, 2005

Burning Permits

Burning permits were a hot item (pause) in the month of April with over 60 being issued by the Town Clerk office. Several more were issued by the building inspector Mike Segelken, who was recently authorized to issue burning permits. Residents are reminded that these restricted burning permits are for residential clean-up of brush and yard debris only. Burning of any other material requires a different permit from the Department of Environmental Conservation.

Other Monthly Activity:

Dog licenses	9
Marriage licenses	3
Death certificate copies	3
Zoning books sold	2
Miscellaneous copies	277
Transfer station permits	21
Transfer station coupon books	116
Taxes paid	78
Applications received, grant writer	16

FOILs

We received 20 new FOIL requests in April. On May 3<sup>rd</sup>, a new state law became effective which requires government agencies to provide records within 20 working days of a FOIL request or explain why it is going to take longer. In the Town of Amenia, we try to respond to FOIL requests within two weeks.

I would like to mention that if you need information that is readily available, a FOIL may not be necessary. For example, copies on Town Board meeting minutes can usually be delivered immediately. Just last week someone came in with a FOIL request, but we were able to get the information immediately, so the FOIL was not needed.

Taxes

We sent out 157 "unpaid taxes" letters. Tax payers are reminded to pay their taxes by May 31. After that date, payment must be made to the county and an additional late fee will be added.

July Firemen's Carnival

The Amenia Fire Company has received their bingo permit. The other permits are in the works.

Town Clerk's Association

I attended a meeting of the Town Clerks Association on April 26. It was a good opportunity to meet the other Town Clerks and learn some of the recent changes affecting our operation.

Tax Collectors' Association

Patty Barron and I attended the annual meeting of this group today (May 19). We learned of several new practices that may affect the way we process taxes with regard to interaction with the county and interaction with the Tax Servicing Organizations.

Notary Public

I have taken both the Notary Public class and exam, and expect to have the exam results within 2 weeks. About a month after that, I will be commissioned as a Notary Public and able to notarize documents as a service to the community. I want to thank the Town Board for their support of this effort.

C:\Town Clerk\status reports, monthly\2005-05-19 Town Clerk Status Report.doc, 5/19/05